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MEMORANDUM DRAFT

OF

A BILL

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PREFATORY NOTE.

This draft of the proposed Bill for the amendment and consolidation of the copyright laws is entitled a "Memorandum Draft" to indicate its tentative nature. It is not submitted as a complete text. The time allowed (since September first) has been too short to do justice to so difficult a task. Provisions dealing with many important questions, such as penalties for infringement, judicial procedure, definitions, and the inclusion of other subjects under copyright protection, have had to be left for future consideration. It is hoped, however, that what is here tentatively submitted may serve as a basis for such discussion as shall aid in the formulation of a more complete and perfect draft.

THORVALD SOLBERG.

COPYRIGHT OFFICE, WASHINGTON, D. C.,
Monday, October 23, 1905.

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I

MEMORANDUM DRAFT

OF

A BILL

TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

I. The Copyright Office and the Register of Copyrights.

The Copyright Office.

Section 1. That all records and other things relating to copyrights, required by law to be preserved, shall be under the control of the Register of Copyrights, and shall be kept and preserved in the Copyright Office, Library of Congress.

The Register of Copyrights, and the Assistant Register of Copyrights.

2. That there shall be appointed by the Librarian of Congress a Register of Copyrights, at a salary of three thousand dollars per annum, who shall, under the supervision of the Librarian of Congress, perform all the duties relating to copyrights; and one Assistant Register of Copyrights, at a salary of per annum, who shall have authority, in the absence of the Register of Copyrights, to attach the Copyright Office seal to all papers issued from the said office, and to sign such certificates and other papers as require the signature of the Register of Copyrights.

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I. The Copyright Office and the Register of Copyrights—cont'd.

Deposit and report of copyright fees.

3. That the Register of Copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of sections of this Act, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

Bond of the Register of Copyrights.

4. That the Register of Copyrights shall give bond to the Librarian of Congress in the sum of twenty thousand dollars, with approved sureties, for the faithful discharge of his duties.

Annual report of the Register of Copyrights.

5. That the Register of Copyrights shall make an annual report to the Librarian of Congress, to be printed in the Annual Report on the Library of Congress, of all copyright business for the previous fiscal year, stating the number and kind of articles which have been deposited in the Copyright Office during the fiscal year, under the provisions of this Act.

Seal of the Copyright Office.

6. That the seal provided under the Act of July 8, 1870, and at present used in the Copyright Office, shall continue to be the seal thereof, and by it all records and other papers issued from the Copyright Office shall be authenticated.

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I. The Copyright Office and the Register of Copyrights—cont'd.

The Register of Copyrights to make rules.

7. That the Register of Copyrights shall be authorized to make rules and regulations, not inconsistent with the provisions of this Act, for the conduct of proceedings with reference to the registration of all claims to copyright as provided for by this Act.

Suitable record books to be kept and entries made.

8. That the Register of Copyrights shall provide and keep such record books in the Copyright Office as are required to carry out the provisions of this Act. For each distinct class of productions subject to copyright he shall provide a separate series of record books. Whenever deposit has been made in the Copyright Office of any title, description, or copy, under the provisions of this Act, the Register of Copyrights shall make entry thereof as hereafter provided in the record book of the class or series to which it belongs. *Provided,* That no registration shall thus be made of any article not clearly within the classes of articles designated by this Act as subject to copyright.

Registration of works of the fine arts, etc.

9. That upon the receipt of a photograph of a work of the fine arts, or of any plastic work, (or of such other exact reproduction of any such work as may be deposited in the Copyright Office under the provisions of sections of this Act), together with the title and description of such work as therein provided for, the Register of Copyrights shall record the title and description of such work of the fine arts, or plastic work, in the appropriate Copyright Office record book, together with the name and address of the person claiming the copyright, and whether as "author" or "proprietor;" the true date of the receipt of the photograph or other reproduction, and shall also mark or stamp upon the deposited copy the date of its receipt and

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I. The Copyright Office and the Register of Copyrights—cont'd.

Registration of works of the fine arts, etc.—cont'd.

the entry number, class designation, and such other required marks as shall connect the deposited photograph or other reproduction with the recorded entry of title for complete identification.

Registration of other classes of articles.

10. That upon receipt of any book or other article deposited in the Copyright Office, under the provisions of this Act, the Register of Copyrights shall transcribe therefrom and enter in the record book of the corresponding class the title which the book or other article bears, (or, if the article lacks a title, shall enter a brief description of it, sufficient for its identification), together with the name and address of the person claiming copyright and whether as "author" or "proprietor;" the fact of the deposit of copies and the true date of their receipt, and shall also mark or stamp upon each deposited copy of such book or other article the date of its receipt, and such class designation, number of entry, and other required marks as shall connect the deposited copies with the recorded entry of title for complete identification.

Certificate of registration.

11. That in the case of each entry made in any Copyright Office record book, the person therein recorded as the claimant of the copyright shall be entitled to a certificate of copyright registration. Such certificate shall contain the name and residence of the copyright proprietor, the title or description of the article upon which copyright is claimed, the date of the deposit of the required copies of such article, and such other facts as are required to be recorded under the provisions of this Act, and such marks as to class designation and entry number as shall fully identify the entry made and the article deposited. The Register of Copyrights shall prepare a print-

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I. The Copyright Office and the Register of Copyrights—cont'd.

Certificate of registration—cont'd.

ed form for the said certificate, to bear the impression of the seal of the Copyright Office, and to be filled out in each case as above provided for; and he shall forthwith deposit the same in the United States mail, addressed to the said copyright proprietor.

Certificate of registration made evidence.

12. That the certificate of registration provided for above, or a copy of it, shall be authenticated, at any time after its date, upon the request of any person desiring it, and upon the payment of the prescribed fee of fifty cents, by a declaration (to be attached thereto, signed by the Register of Copyrights and sealed by the seal of his office), that the said certificate contains a true statement of all the facts of the registration made in the case of the copyright entry mentioned therein; and when so authenticated, by the attached declaration herein provided for, the said certificate shall be admitted in any court as *primâ facie* evidence of the facts stated therein.

Index and catalogue of copyright entries.

13. That the Register of Copyrights shall have a manuscript card catalogue and index made of all copyright registrations, and shall print at intervals of not more than one month, the titles and descriptions of articles deposited and registered for copyright, under such arrangement and such division of classes as shall best conform to the subject-matter and the uses of the catalogue. He shall have complete and thorough indexes prepared and printed covering all the titles and descriptions included in the catalogue printed each quarter, and an annual index as soon after the end of each year as possible, and at intervals of five years shall print, in the case of books, dramas, and music, complete, rearranged and indexed catalogues for each of these three classes, and at intervals of ten

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I. The Copyright Office and the Register of Copyrights—cont'd.

Index and catalogue of copyright entries—cont'd.

years similar complete indexes of copyright registrations made in each of the other classes of copyright subjects. Upon the completion and printing of each five-year or ten-year catalogue or index, the Register of Copyrights shall have authority to destroy the original manuscript cards containing the titles and descriptions included in such printed five-year or ten-year volumes, representing entries made during such intervals.

Distribution and sale of the catalogues of copyright entries.

14. That the printed current catalogues shall be promptly distributed, as they are issued, to the collectors of customs of the United States, and to the postmasters of all post-offices receiving foreign mails; and the Secretary of the Treasury and the Postmaster-General are hereby required to furnish to the Register of Copyrights lists of such collectors of customs and postmasters, and to revise such lists quarterly. The printed catalogues of copyright registrations provided for by this Act shall be furnished to all parties desiring them, at a price to be determined by the Register of Copyrights—not exceeding five dollars per annum for the complete catalogues of copyright entries, and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The five-year and ten-year consolidated catalogues and indexes shall also be supplied to all persons ordering them, at a price based upon the rules and regulations in force for determining the selling price of public documents at the time when the volumes are issued. All subscriptions, either for the current catalogues or for the five-year and ten-year volumes, shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted

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I. The Copyright Office and the Register of Copyrights—cont'd.

Distribution and sale of the catalogues of copyright entries—cont'd.

for under such laws and Treasury or other regulations as shall be in force at the time the moneys are received.

Inspection of Copyright Office record books, etc.

15. That the record books kept and preserved in the Copyright Office under the provisions of the copyright laws of the United States and of this Act, together with the indexes to such record books, and the applications for copyright registration, together with all articles deposited in the Copyright Office, shall be open to public inspection at convenient times; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the Register of Copyrights, and upon the payment of fees in accordance with the provisions of section of this Act.

False statements as to copyright entries.

16. That if any person shall willfully make or cause to be made false statements relative to any copyright entries, or if he shall willfully produce, or cause to be tendered in evidence, any paper which falsely purports to be a copy of an entry of copyright in the record books of the Copyright Office, he shall be liable to a penalty of hundred dollars.

Acceptance of money or gifts unlawful.

17. That if the Register of Copyrights, or the Assistant Register of Copyrights, or any person employed either temporarily or permanently in the Copyright Office in any capacity whatsoever, shall accept from any person, for service asked or rendered in the Copyright Office in relation to anything concerning copyright, any money other than the fees prescribed by this Act, and in the exact amount prescribed by this Act, or shall accept any gift whatsoever from such person, he shall be liable to a penalty of one hundred dollars for each offense.

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I. The Copyright Office and the Register of Copyrights—cont'd.

Use to be made of copyright deposits.

18. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the Law Library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

Destruction of valueless deposits and other copyright accumulations.

19. That of any articles undisposed of as above provided, together with all titles or descriptions, as well as all correspondence relating thereto, the Librarian of Congress and the Register of Copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as herein provided, may within their discretion cause such remaining articles and other things to be destroyed.

Provided, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles, and a notice to permit any author, or his assigns, to claim and remove, before the expiration of the month of November of that year, any thing found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in sections 18 and 19 of this Act.

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MEMORANDUM DRAFT.

II. Who may obtain Copyright.

Copyright beneficiaries.

20. The *author* of any artistic, musical, literary, or dramatic production and the [*legal representatives?*], *administrators, executors,* or *assigns* of such author shall have copyright in the said work under the conditions and for the terms specified in this Act.

Author of abridgment, compilation, dramatization, or translation.

21. The *author* of an abridgment, compilation, dramatization, or translation shall have copyright in the said abridgment, compilation, dramatization, or translation as the author thereof, subject to the provisions of sections of this Act.

Arranger or adapter.

22. The *author* of any new adaptation, transposition, transcription, paraphase, arrangement, variation, or instrumentation of a musical work, shall have copyright in the new composition he has thus produced, subject to the provisions of section of this Act.

Publisher of anonymous or pseudonymous work.

23. The *publisher* of an *anonymous* or *pseudonymous* work shall have copyright in such work as the *primâ facie assignee* of the author.

Editor, annotator, and compiler.

24. The *editor* or *annotator* of any work in the public domain, or reproduced by authority of the author or copyright proprietor, may claim copyright upon his annotations or other additions to the original work as the author thereof; and the *compiler* of docu-

Copyright beneficiaries:

Query:

After the death of the author, the copyright to pass:—

1st, to his surviving widow, if any,
2d, to his surviving child by marriage or adoption, if any,
3d, to his surviving parent, if any,
4th, to his surviving brother or sister, if any.

Failing any such survivors the copyright to fall into the public domain.

PROVISIONS OF THE U. S. COPYRIGHT LAWS.

Act of 1790:

"Author or authors, his or their executors, administrators or assigns."

Renewal term: "Author or authors, his or their executors, administrators or assigns."

Act of 1831:

"Author or authors, and the executors, administrators, or legal assigns of such person or persons."

Renewal term: Author, if living, or widow, or child, or children.

Extension term: Author, if living, or if not living then heirs, executors, and administrators.

Act of 1856:

"Author or proprietor, his heirs or assigns."

Act of 1870 (Revised Statutes of 1873):

"Author or proprietor, his executors, administrators or assigns."

Renewal term: "Author, if living, or his widow or children, if he be dead."

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II. Who may obtain Copyright—cont'd.

Editor, annotator, and compiler—cont'd.

ments or material not previously published, shall have copyright in the work or compilation thus produced.

Publisher of a posthumous work.

25. The *editor* or *publisher* of a *posthumous* work may claim copyright in the same, either as the *primâ facie assignee* of the legal representatives of the author, or as *proprietor* of the manuscript when no legal representatives of the author claim any rights in it.

Publisher of a composite work.

26. The *publisher* of a *composite* or *collective* work (a "series," a "library," or an encyclopædia) which has been produced at his instance and expense, may claim copyright in the same.

Author of artistic reproduction of a work of art.

27. The *author* or *proprietor* of a *lawfully* made reproduction of an original work of art by a different artistic method, even though the original be already public property, may claim copyright in such reproduction.

FOREIGN AUTHORS MAY OBTAIN COPYRIGHT.

28. The copyright secured by this Act shall extend to an author who is a citizen or subject of a foreign state or nation, only when such foreign author,—

Resident in the United States or dependencies.

(1) Shall be resident within the territory of the United States, or one of its dependencies, at the time of the making or first production of his work; or

First production of work in the United States.

(2) Shall *first* produce his work within the limits of the United States or of one of its dependencies; or

Reciprocal protection granted by foreign country.

(3) When the foreign state or nation of which such author is a citizen or subject grants—either by treaty, convention, agree-

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II. Who may obtain Copyright—cont'd.

Reciprocal protection granted by foreign country—cont'd.

ment, or law—to citizens of the United States of America (a) the benefit of copyright on substantially the same basis as to its own citizens, or (b) gives to citizens of the United States of America copyright protection substantially equal or equivalent to the rights guaranteed to such foreign author under this Act.

The existence of the third condition aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

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MEMORANDUM DRAFT.

III. Subject-matter of Copyright.

Original works of the fine arts.

29. The provisions of this Act shall apply to the following classes of productions:—

Class 1,—*Original works of the fine arts,* comprising:—

(a) Drawings (including the plans, sketches, and designs of architects; and such drawings, of a scientific or technical character, as may not be regarded as works of art, considering the purpose they are mainly intended to serve).

(b) Paintings.

(c) Etchings.

(d) Statues, statuary, sculpture.

(e) Models or designs intended to be perfected as works of the fine arts.

Class 2,—*Artistic reproductions,* by whatsoever method or means, or in whatsoever form of production, including:—

(a) Woodcuts, and engravings of all kinds.

(b) Chromos and lithographs.

(c) Photographic reproductions of all kinds.

(d) Such illustrations, of a scientific or technical nature, as are not to be regarded as works of art, considering the purpose they are mainly intended to serve.

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III. Subject-matter of Copyright—cont'd.

Molded decorative articles.

Class 3,—*Molded decorative articles,* including:—

(a) Plaster or metal casts of an artistic nature.

(b) Casts from nature.

Class 4,—*Literary productions,* written or spoken, including:—

(a) Books.

(b) Periodical contributions.

(c) Composite works, encyclopædias, collective or collaborative works of all kinds.

(d) Abridgments, compilations, and translations of literary works.

(e) Novels based upon dramas.

(f) Periodicals, newspapers, and magazines.

(g) Oral lectures, sermons, speeches.

(h) New editions of literary works.

Class 5,—*Dramatic works,* including:—

(a) Original dramatic compositions.

(b) Translations of dramatic works.

(c) Dramatizations of novels or historical works.

(d) Librettos.

Class 6,—*Musical works,* including:—

(a) Original musical compositions.

(b) Arrangements, transpositions, instrumentations, and variations upon the motives or themes of original musical compositions.

Class 7,—*Geographical productions,* including:—

(a) Maps, and all printed or engraved cartographical works.

(b) Plastic works relating to geography,—relief maps, globes, etc.

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III. Subject-matter of Copyright—cont'd.

Photographs.

Class 8,—*Photographs,* including:—

(a) Photographs of persons, objects, or scenery.

(b) Photographic reproductions of original works of art.

Class 9,

Class 10,

Class 11,

Class 12,

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III. Subject-matter of Copyright—cont'd.

NON-COPYRIGHT PRODUCTIONS.

30. No copyright, right to deliver a lecture, or right of performance, representation, or translation, shall subsist in any of the following:—

Indecent productions.

(a) In any profane, indecent, immoral, or scandalous production, oral or written.

Acts or proceedings of authorities.

(b) In the *text* of official acts or proceedings of public authorities,—federal, state, or municipal.

Laws or judicial decisions.

(c) In the *text* of any laws or ordinances, or the judicial decisions of courts.

Government publications.

(d) In any government publication, or any reprint, in whole or in part, of any government publication: *Provided, however,* That in the case of any literary, quasi-literary, or scientific work, or map, or engraving, in which copyright is subsisting, which is published by the government, either separately or in a public document, by authority of the copyright proprietor, such publication or republication by the government is not to be taken to cause any abridgment or annulment of the copyright, or to authorize any use or appropriation contrary to the provisions of this Act, without the written consent of the author or proprietor of the original production.

Work published abroad prior to 1891.

(e) In the original *text* of a work by any author not a citizen of the United States, first published without the limits of the United States prior to July 1, 1891.

Work in the public domain.

(f) In the orginal *text* of any work which has fallen into the public domain by reason of the provisions and stipulations of any prior copyright acts.

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MEMORANDUM DRAFT

IV. Nature and Extent of Copyright.

Exclusive right during author's life.

31. The author of any original artistic, musical, literary, or dramatic production, shall retain during his life the sole and exclusive right to reproduce and sell his work.

After author's death.

32. After the author's death, his work shall continue an exclusive personal property, capable of bequest and of conveyance by gift or sale, for such times as this Act shall provide.

Common-law right.

33. Nothing in this Act shall be construed to annul or limit the common-law or equity right of the author of an unpublished work to prevent copying or publication without his consent.

Dedication to the public.

34. Dedication to the public shall not be presumed in the case of any production subject to copyright; and neither exhibition (in the case of works of art), nor performance or representation (in the case of musical and dramatic compositions), nor reproduction by printing or otherwise (in the case of literary works), shall be construed to authorize any person, without the direct consent in writing of the author or copyright proprietor, to do anything in relation thereto prohibited by this Act.

Sale of article does not imply cession of copyright.

35. The right of reproduction or copyright is independent of the right of property in the

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IV. Nature and Extent of Copyright—cont'd.

Sale of article does not imply cession of copyright—cont'd.

material object (the manuscript of the book, or the painting, or piece of sculpture, or any copy of either); and the sale or conveyance, by gift or otherwise, of the article, does not involve, by itself, the cession of the right of reproduction; and, *vice versâ*, the assignment of the copyright need not involve the transference of the material article.

Right of representation, performance, and delivery.

36. The copyright in a book, the right of representation in the case of a dramatic composition, the right of performance in the case of a musical composition, and the right of oral delivery in the case of a lecture, shall each be deemed to be a distinct personal property for the purpose of ownership, publication, performance, representation, delivery, assignment, license, transmission, and for all other purposes.

Nature of right.

37. The copyright provided by this Act shall consist in the sole and exclusive right to do, or authorize to be done, any of the following acts, viz:

(a) To make for sale, distribution, exhibition, or hire any copy by any means whatsoever, or in any form, or for any purpose, of a work the subject of copyright by the provisions of this Act.

(b) To sell, distribute, exhibit, or let for hire, or offer or keep for sale, distribution, exhibition, or hire, any such copy.

(c) To abridge, adapt, or to translate into another language or dialect, any literary production, subject to the limitations prescribed in sections of this Act.

(d) In the case of a dramatic work, to publicly perform or represent it, or to convert it into a novel or other non-dramatic work.

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IV. Nature and Extent of Copyright—cont'd.

Nature of right—cont'd.

(e) In the case of a novel or other non-dramatic work, to convert it into a dramatic work, either by publication or performance, subject to the provisions of sections of this Act.

(f) In the case of a musical work, to publicly perform the said work, or to make any new adaptation, transposition, arrangement, or setting of such work, or of the melody thereof, in any notation.

(g) In the case of a lecture, address, sermon, or speech, or any similar production intended for oral delivery or public reading, to read or deliver the same in public for profit.

(h) In the case of an original work of art, to produce any possible abridgment, adaptation, or arrangement from the same.

Abridgments, dramatizations, or translations.

38. Any abridgment, dramatization, or translation of an original literary work, produced with the consent and authorization of the author of the original, or any abridgment, dramatization, or translation of a literary work in the public domain, shall be considered a new work, subject to the copyright provided for by this Act; and the person or persons making such abridgment, dramatization, or translation, shall be held to be the author or joint authors thereof.

Compilations.

39. Any compilation made from several works, either by consent of the authors of the works used, or when such works are in the public domain, shall be considered an original work subject to the copyright provided for by this Act; and the person or persons making such compilation shall be held to be the author or joint authors thereof.

Adaptation, arrangement, or transcription, etc., of music.

40. Any new adaptation, transposition, transcription, paraphase, arrangement, variation, or instrumentation of a musical work,

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IV. Nature and Extent of Copyright—cont'd.

Adaptation, arrangement, or transcription, etc., of music—cont'd.

shall be considered a new composition subject to copyright, and the person making such adaptation or other rearrangement, shall be held to be the author thereof.

Provided, however, That the copyright obtained for such abridgment, dramatization, translation, or compilation; or for such adaptation, arrangement or instrumentation of music, under the provisions of this Act, shall not be construed to secure to the abridger, adapter, compiler, dramatizer, or translator, any exclusive right to such use of the original works, except in so far as that may be obtained by his agreement with the author or proprietor of any of the original works.

Joint authors and their assigns.

41. In the case of all works produced by two or more authors jointly, the collaborators, unless there are stipulations in writing to the contrary, shall have equal rights in the joint work, and the rights of the assignee of a deceased collaborator shall continue until the expiration of fifty years after the death of the last surviving joint author. In the absence of legal representatives or assigns of a deceased collaborator, his share shall accrue to the other joint authors or their legal representatives.

Rights of separate authors of a collective work.

42. In the case of a *composite* or *collective* work written in distinct parts by separate authors, copyright shall subsist in the work of each contributor, subject to the stipulations of any written contract of publication, and to the provisions of sections of this Act; and, in case of an infringement, suit may be brought either by the registered claimant of copyright or by any one or more of the contributing authors whose works may have been infringed.

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IV. Nature and Extent of Copyright—cont'd.

Book: Entire contents protected.

43. The sole right to copy provided by this Act shall, in the case of a book or other literary production, extend to and protect all the original contents of such book, including text, notes, designs, maps, photographs, musical notation,—everything covered by the title of the work and necessary to its completeness,—and if the contents are by different contributors, copyright shall subsist in the work of each author, subject to the stipulations of any written contract of publication.

Oral lectures, addresses, sermons, speeches.

44. The author or proprietor of any lecture, address, sermon, speech, or similar production, prepared for public delivery, shall have, upon complying with the provisions of this Act:—

(a) The exclusive right to deliver such lecture or address, or to authorize its delivery, in public for profit, during the lifetime of the author.

(b) The exclusive right of printing, distributing, publishing, reporting, or otherwise circulating copies of such lecture or address, during the life of the author and for fifty years after: *Provided,* That the customary newspaper report of any lecture or other public address shall not be deemed an infraction of this right, unless the author or lecturer, orally at the time of delivering such lecture, or in the printed or written public announcements of the intended delivery of such lecture, shall give warning that publication of the same in newspapers requires the direct consent of the author.

(c) In the case of the production of any lecture or address by printing or otherwise for public or private distribution, in order to reserve the sole right to deliver such lecture or address, as provided for by this Act, it shall be obligatory to print at the beginning of the work in a conspicuous place a notice that such right of delivery has been reserved.

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IV. Nature and Extent of Copyright—cont'd.

TRANSFER OF COPYRIGHT.

Assignment of copyright.

45. The owner of a copyright, or of the right of translation, or of the right of representation in a dramatic composition, or of the performing right in a musical composition, or of the right of delivery in the case of a lecture, may assign the right before or after publication, either wholly or partially, and either generally or with limitation to a particular place or period, or grant any interest therein by lease or license. Every assignment of copyright under this Act, and every license respecting the same, shall be by an instrument of writing signed by the assignor or licensor. The cession of the rights pertaining to an author, such as the right to publish, to sell, to represent, to perform, to translate, to arrange, to illustrate, must always be restrictively construed.

Foreign assignments.

46. In the case of an assignment of copyright executed in a foreign country, such assignment must be by an instrument of writing drawn and acknowledged in accordance with the provisions of law in force in relation to such documents in the country in which the same is executed.

Assignment to be recorded.

47. Every assignment of copyright shall be recorded in the Copyright Office within six calendar months after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Original or copy may be sent for record.

48. The original instrument of assignment may be sent for record, or, at the option of the persons interested, a true copy of the same, duly certified as such by any official authorized to give such certificate. In the case of an assignment executed in a foreign country, the

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IV. Nature and Extent of Copyright—cont'd.

Original or copy may be sent for record—cont'd.

required certified copy shall be further authenticated by the impression of the seal of any consul or consular agent of the United States resident in the country or place where the instrument was made and certified.

Assignments to be recorded, certified, and returned.

49. The Register of Copyrights shall record such assignment, upon payment of the prescribed fee, in a suitable series of Copyright Assignment Record books, kept for that purpose, and shall duly certify and return to the sender the original instrument, or the copy of the same as herein provided for; and he shall furnish to any person requesting the same a certified copy, under the seal of the Copyright Office, of any assignment recorded, upon the payment of the fee prescribed therefor by this Act.

Substitution of proprietor's name in notice.

50. In the case of every recorded assignment of the copyright in a specified book or other article, the assignee of the right shall have the privilege to substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act, provided the instrument of assignment contains the title or description of the article the copyright of which is assigned, and the required fee for the noting of such change of proprietorship on the original entry thereof and in the Copyright index, has been duly paid in addition to the fee prescribed for recording the instrument of assignment.

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MEMORANDUM DRAFT

V. Duration of Copyright.

Term of copyright.

51. The copyright conferred by this Act shall endure for the following terms:—

Original works, life and fifty years.

(a) In the case of an *original work of the fine arts,* an *artistic reproduction,* a *musical composition,* a *dramatic composition,* and any *literary production,* for the lifetime of the author, and until the expiration of fifty years after his death.

Joint authors.

(b) In the case of a work by *joint authors,* during their joint lives, and until the expiration of fifty years after the death of the last surviving author.

Anonymous or pseudonymous works.

(c) In the case of a work (not an original work of the fine arts) produced, printed, or published anonymously or under an assumed name, the copyright in the work shall subsist for the same period as if the work had been produced bearing the author's true name.

Posthumous works.

(d) In the case of a work first published or performed, with authority of the copyright proprietor, after the death of the author, for the term of fifty years after the date of registration in the Copyright Office.

Composite or collective works, encyclopædias, etc.

(e) In the case of a *composite* or *collective* work, such as an encyclopædia, a "library," or "series," produced at the instance and expense of a publisher, the copyright in the work

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V. Duration of Copyright—cont'd.

Composite or collective works, encyclopædias, etc.—cont'd.

as a whole shall endure for fifty years after the date of the registration of such work in the Copyright Office: *Provided,* That in the absence of any contract in writing fixing upon a specific term during which the author of any special contribution to the work shall not publish his work separately, the publisher's term of copyright control for such contribution shall be construed to endure for five years from the date of the deposit for registration of the volume containing the said contribution.

Works completed from design of another.

(f) In the case of a work of the fine arts made or completed by one person from the original design of another, or of a cast from nature, for the term of fifty years after the date of registration of the work thus completed, in the Copyright Office.

Photographs.

(g) In the case of a photograph, for the term of fifty years after the date of the registration thereof in the Copyright Office.

Abridgments, compilations, dramatizations, translations.

52. In the case of any abridgment, compilation, dramatization, or translation of an original literary work, for the life of the author and for fifty years after his death.

Extension of term of existing copyright.

53. (a) The copyright subsisting in any work at the time when this Act shall go into effect, by virtue of any copyright laws of the United States, shall be and is hereby extended to endure for the full terms of copyright provided by this Act, for the sole use of the author of said work, if he be living.

Rights of assignee.

(b) In every case where an author has assigned his copyright, in whole or in part, before the time when this Act shall go into ef-

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V. Duration of Copyright—cont'd.

Rights of assignee—cont'd.

fect, such assignee shall be entitled to hold and possess said copyright only for the term agreed upon in the said assignment, and for such term only as the said assignee would have been entitled to hold and possess the same under the copyright laws in force on the day of the date of said assignment, and no longer.

Reversion of copyright for extended term to author.

(c) In every case where the right of any assignee in the copyright in any work shall terminate before the end of the period of copyright provided by this Act for such work, leaving a remainder of the term of copyright, such remainder of said term of copyright shall revert to and vest in the author of the work, if he be living.

No extension of copyright if author is not living.

(d) Nothing in this Act shall be held or construed to extend the term of copyright subsisting in any work at the time when this Act shall go into effect beyond the term of copyright protection secured by the copyright laws then in force, if the author is not living.

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MEMORANDUM DRAFT.

VI. Protection of the Copyright.

Copying of any manuscript prohibited.

54. Every person who, without the written consent of the author or proprietor first obtained, shall print and publish any manuscript whatever shall be liable to the author or proprietor for all damages occasioned by such injury.

INFRINGEMENT.

55. All reproduction, in whole or in part, without the written consent of the author or copyright proprietor, of any work in which copyright is subsisting at the time by virtue of the copyright laws of the United States or the provisions of the Act, is illegal, including:—

Unauthorized translation.

(a) The production of any translation, subject, however, to the provisions of sections of this Act.

Abridgment, adaptation, or dramatization.

(b) The production of any abridgment, adaptation, or dramatization, subject, however, to the provisions of sections of this Act.

Reproduction with additions or alterations.

(c) Any reproduction of the text of the copyright book with alterations, or with additions to the text or of illustrations, music, or other material.

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VI. Protection of the Copyright—cont'd.

Representation, performance, or novelization of a drama.

(d) Any public representation or performance of a dramatic composition, or the transformation of a drama into a novel or other non-dramatic work.

Public performance of music.

(e) Any public performance of a musical composition for profit.

Publication of a rearrangement of music, etc.

(f) The publication or circulation of any arrangement, instrumentation, transcription, or variation of a musical composition.

Reproduction of music by mechanical devices.

(g) Any reproduction by means of any device or mechanical appliance whatsoever whereby the whole or any material part of a musical composition is reproduced to the ear.

Reproduction by means of another art.

(h) Any reproduction by means of a different method or art, *e. g.*, the copying of an engraving by painting, or of a painting by engraving; subject, however, to the provisions of section of this Act.

Provided, however, That an analysis of a copyright work, or the publication of short citations from such work, for the purpose of criticism, discussion, or education, shall not be held to be illegal when the source of the citation (the title of the work) is indicated, together with the author's name if that appears upon the work. Likewise it shall not be deemed illegal to reproduce, in whole or in part, addresses delivered or discussions held in official assemblies or in other public reunions for the purpose of education, instruction, discussion, and civil betterment.

Fraudulent claim of authorship.

56. It shall also be illegal fraudulently to claim the authorship of any work, or to reproduce such work with a wrongful statement as to the author, or to attribute to oneself falsely the authorship of any work subject to copyright by and under the provisions of this Act;

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VI. Protection of the Copyright—cont'd.

Fraudulent claim of authorship—cont'd.

and the true author of the work in any such case shall have the right to make known his authorship and to proceed in court against any one falsely claiming the authorship of his book.

Alteration of work without consent of the author.

57. The cession of the right to reproduce an author's work does not, unless specially stipulated, authorize any alterations, or modifications without the author's direct consent, and the author conserves the right to oppose all modifications made without his consent, to oversee the reproduction of his work, and to prosecute the author of any infringement.

Preservation of the integrity of the work.

58. After the death of the author, his legal representatives shall, during the residue of the term, be authorized to act in his place to prevent any alteration or modification in his work objected to by the author. Any substantial modifications in the author's work made by his legal representatives or assigns after his death shall be brought to the attention of the public in some obvious way.

REMEDIES FOR INFRINGEMENT.

59. If any person shall infringe the copyright in any work protected under the copyright laws of the United States, or the provisions of this Act, by doing or causing to be done any act the exclusive right to do or authorize which is by such laws or this Act reserved to the author or proprietor of the copyright in such work, without the consent in writing of such author or proprietor, such person shall be liable to:—

(a) An injunction to restrain such infringement.

(b) Damages, or, at the option of the parties suing, an accounting of profits.

(c) Penalties in an amount to be fixed by the court hearing the case, within the limits of the penalties provided by this Act.

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VI. Protection of the Copyright—cont'd.

REMEDIES FOR INFRINGEMENT—cont'd.

(d) An order for delivering up on oath for forfeiture or destruction all the infringing unlawful copies, as well as all plates, molds, matrices, or any other implements or things which have served or were intended to be used in the making of such infringing copies.

Disclosure of unlawful copies required.

60. Any person having in his possession or control unlawful copies of any work the subject of this Act shall, upon demand in writing, served upon him by the author or the proprietor of the copyright, or any other party aggrieved, make to such author or proprietor, within three days after the service of the demand, full disclosure of the name and address of the person from whom he obtained the unlawful copies, the number thereof, and the date when they were obtained; and also of all invoices, bills, accounts, and other papers relating thereto; and in default of such disclosure he may be summoned before a court of competent jurisdiction and ordered under a penalty of dollars to make such disclosure within such time as shall seem to the court reasonable.

Failure to make disclosure of unlawful copies.

61. Failure to make such disclosure shall be held to be *primâ facie* evidence, in any proceedings for penalties or otherwise under this Act, that the person so failing had reasonable ground to suspect that the copies so dealt with by him were unlawful copies within the meaning of this Act.

Search warrant to secure unlawful copies.

62. On the application of any author or copyright proprietor, the several judges of the circuit and district courts of the United States, or of the Supreme Court of the District of Columbia or of any Territory, on being satisfied that there is reasonable ground to suspect that unlawful copies of any work in which copyright is subsisting under the

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VI. Protection of the Copyright—cont'd.

Search warrant to secure unlawful copies—cont'd.

copyright laws of the United States, or under the provisions of this Act, are to be found in any house, shop, or other place within the jurisdiction of such court, ~~shall grant~~ a warrant to search for such suspected unlawful copies, and to bring before the court any such suspected unlawful copies found; and, on proof that such copies are unlawful copies, shall order them to be destroyed or delivered up as forfeited to the author or proprietor of the copyright.

may issue

Destruction of forfeited works.

63. All false, fraudulent, or otherwise unlawful works or copies to which any of the above sections apply shall be liable to destruction, or may be ordered to be delivered upon oath as forfeited to the author whose work has been tampered with or to any other person aggrieved.

Destruction of articles used to produce unlawful copies.

64. Where any works or copies become liable to seizure, confiscation, forfeiture, or destruction, under the provisions of this Act, such liability shall extend to and include all plates, blocks, negatives, molds, or other similar articles used or intended to be used in the production of such false or unlawful copies.

IMPORTATION OF UNAUTHORIZED COPIES.

Prohibition of importation of fraudulent copies.

65. During the existence of the copyright in any book or other article, any copies produced without the direct authorization of the author or proprietor shall be considered fraudulent and illegal, and the importation into the United States of such fraudulent copies is hereby prohibited.

Procedure for the forfeiture of fraudulent copies imported.

66. Any and all such fraudulent copies prohibited importation by this Act which are brought into the United States, or its dependencies, from any foreign country, by any

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VI. Protection of the Copyright—cont'd.

Procedure for the forfeiture of fraudulent copies imported—cont'd.

means whatsoever, shall be seized by an officer, agent, or employe of the government of the United States. The property so seized shall without delay be delivered into the custody of the principal customs officer of the collection district in which the seizure is made; whereupon the said officer shall (except in the cases of importations by mail) publish a notice once a week for three successive weeks in some newspaper of the county or place where such seizure shall have been made. If no newspaper shall be published in such county, then such notice shall be published in some newspaper of the county in which the principal customs office of the district shall be situated; and if no newspaper shall be published in such county, then notices shall be posted in proper public places, which notices shall describe the articles seized and state the time, cause, and place of seizure, and shall require any person claiming such articles to appear and file with such customs officer his claim to such articles within twenty days from the date of the first publication of such notices.

Importer may file claim and give bond.

67. Any person claiming the property so seized may, at any time within twenty days from the date of such first publication, file with the collector, or other proper officer, a claim, stating his interest in the articles seized, and deposit with such collector, or other proper officer, a bond to the United States, in the penal sum of two hundred and fifty dollars, with two sureties, to be approved by said collector, or other proper officer, conditioned that, in case of the condemnation of the articles so claimed, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation.

Such collector, or other proper officer, shall transmit the same, with a duplicate list and

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VI. Protection of the Copyright—cont'd.

Importer may file claim and give bond—cont'd.

description of the articles seized and claimed, to the United States District Attorney for the district, who shall proceed for a condemnation of the property, either by libel of information or by information.

Property, if condemned, shall be destroyed.

68. In case the property shall be condemned it shall be delivered into the custody of the United States Marshal, and destroyed in such manner as the court may direct. If not condemned, the said articles shall be delivered to the importer on payment of the duty, if any be due. The burden of proof shall be on the claimant of the property. If reasonable cause is found by the court as an existing fact connected with the seizure, the seizing officer shall be entitled to a certificate affording him an absolute defense to any action on account of the seizure. If no such claim shall be filed, or bond given, within the twenty days above specified, the collector, or other proper officer of the customs, who has custody of the property, shall declare the same forfeited, and it shall be destroyed in such manner as may be prescribed by the Secretary of the Treasury.

Importation through the mails.

69. Mails from foreign countries shall be carefully examined by postmasters, who shall forward to the principal customs officer of the district in which the post office is situated any foreign mail package supposed to contain any article imported in violation of the provisions of this Act. Upon receipt of such package the customs officer shall detain the same in his custody and notify by mail the addressee of the package of the detention thereof, and to show cause within thirty days why the supposed prohibited articles should not be destroyed. If a person so addressed shall not appear and show cause to the contrary, the customs officer shall make formal seizure of the articles contained in the package supposed to be prohibited importation, and de-

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VI. Protection of the Copyright—cont'd.

Importation through the mails—cont'd.

clare the same forfeited, whereupon said articles shall be destroyed in such manner as the Secretary of the Treasury may direct. If the addressee appears and shows to the satisfaction of the said officer that the importation of the articles is not prohibited, the said articles shall be delivered to the addressee upon payment of the customs duty, if any be due.

COPYRIGHT SUITS.

Circuit and district courts and Supreme Court of the District of Columbia.

70. All actions, suits, controversies, and cases arising under the copyright laws of the United States shall be originally cognizable, as well in equity as at law, whether civil or penal in their nature, by the circuit courts of the United States, or any district court having the jurisdiction of a circuit court, or in the Supreme Court of the District of Columbia or any Territory. And the court shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Jurisdiction exclusive of State courts.

71. The jurisdiction vested in the courts of the United States shall be exclusive of the courts of the several states in all cases arising under the copyright laws of the United States.

Appeal to the Supreme Court of the United States.

72. A writ of error may be allowed to review any final judgment at law, and an appeal to the Circuit Court of Appeals of the United States or the Supreme Court of the United States as now provided by law, shall be allowed from any final decree in equity, without regard to the sum or value in dispute, of any circuit court of the United States, or of any district court acting as a circuit court, or of the Supreme Court of the District of Columbia or of any Territory, in any case touching copyrights.

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VI. Protection of the Copyright—cont'd.

Limitation of actions.

73. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, or under this Act, unless the same is commenced within *three* years after the cause of action has arisen.

Defendant may plead the general issue.

74. In all actions arising under the laws respecting copyright, or under this Act, the defendant may plead the general issue, and give the special matter. in evidence [? Strike out ?]

Full costs may be allowed.

75. In all recoveries under the copyright laws, or under this Act, either for damages, forfeiture, or penalties, full costs shall be allowed thereon.

Evidence: Copies of record.

76. Every registration of the title or description of any article deposited under the provisions of the copyright laws and of this Act, made upon the record books of the Copyright Office, shall be *primâ facie* evidence of compliance with the requirements of the copyright laws and of this Act, and of the title to copyright of the person named in such registration; and written or printed copies of such record of registration, authenticated by the seal of the Copyright Office and certified by the Register of Copyrights, shall be admissible in evidence in all courts in all proceedings, actions, suits, and controversies arising under the copyright laws of the United States, wherein the originals could be evidence, and to the same extent, without further proof or production of the originals; and such certified copies of any entries in the record books of the Copyright Office, under this Act, shall, upon payment of the prescribed fee, be given to any person making application for the same.

Remedy for infringement not limited.

77. Nothing in this Act shall prevent, lessen, impeach, or avoid any remedy at law or

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VI. Protection of the Copyright—cont'd.

Remedy for infringement not limited—cont'd.

in equity which any party aggrieved by any infringement of a copyright might have had if the provisions of this Act had not been passed.

Right of action in case of assignment.

78. In all cases where the author has assigned his copyright in any book or other article before this Act shall have gone into effect, or, after this Act has gone into effect, shall assign his copyright in any book or other article for a limited term, said author and said assignee, for and during the existence of the right of property of said assignee thus created in said copyright, shall have a concurrent right to begin and maintain any action, either separately or jointly, in any cause arising under this Act, either for damages, forfeiture, or penalties, or for an injunction to prevent the violation of any right secured to either or both of them by this Act; *Provided,* That any judgment, decree, or recovery for or against the author or the assignee separately shall be a bar against any subsequent judgment, decree, or recovery against the other in any action where the cause of action or complaint shall be the same; and, *Provided, further,* That in all cases where the right of property of any assignee in the copyright in any book or other article has terminated before the end of the term of copyright provided by this Act, (either by the provisions of this Act or by the limitation contained in the assignment itself), and where the remainder of the said term of copyright has reverted to and vested in the author, he shall have the sole right to begin and maintain any action or suit when the cause of action or complaint shall arise after the termination of the right of property in the copyright of said assignee as hereinbefore provided; and after the remainder of the copyright has reverted to and vested in the author.

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VI. Protection of the Copyright—cont'd.

PENALTIES.

The penalty provisions are left for further consideration. For convenient reference sections 4964, 4965, and 4966 of the Revised Statutes are reprinted here.

4964, as amended by the Act of March 3, 1891.

SEC. 4964. Every person who, after the recording of the title of any book and the depositing of two copies of such book as provided by this Act, shall, contrary to the provisions of this Act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

4965, as amended by the Act of March 2, 1895.

SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this Act, shall, within the term limited, contrary to the provisions of this Act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale: *Provided, however,* That in case of any such infringement of the copyright of a photograph made from any object not a work of fine arts, the sum to be recovered in any action brought under the provisions of this section shall be not less than one hundred dollars, nor more than five thousand dollars, and: *Provided, further,* That in case of any such infringement of the copyright of a painting, drawing, statue, engraving, etching, print, or model or design for a work of the fine arts, or of a photograph of a work of the fine arts, the sum to be recovered in any action brought through the provisions of this section shall be not less than two hundred and fifty dollars, and not more than ten thousand dollars. One-half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States.

VI. Protection of the Copyright—cont'd.

4965, as amended by the Act of March 2, 1895—cont'd.

4966, as amended by the Act of January 6, 1897.

SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first and fifty dollars for every subsequent performance, as to the court shall appear to be just. If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor and upon conviction be imprisoned for a period not exceeding one year. Any injunction that may be granted upon hearing after notice to the defendant by any circuit court in the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or musical composition may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative and may be enforced by proceedings to punish for con-

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VI. Protection of the Copyright—cont'd.

4966, as amended by the Act of January 6, 1897—cont'd.

tempt or otherwise by any other circuit court or judge in the United States; but the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or musical composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit court or the judge before whom said motion shall be made shall deem proper; service of said motion to be made on the plaintiff in person or on his attorneys in the action. The circuit courts or judges thereof shall have jurisdiction to enforce said injunction and to hear and determine a motion to dissolve the same, as herein provided, as fully as if the action were pending or brought in the circuit in which said motion is made.

The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to dissolve or enforce said injunction, transmit without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office.

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MEMORANDUM DRAFT

VII. Formalities.

Compliance with prescribed formalities.

79. All persons legally entitled to the rights and privileges accorded by this Act may obtain registration of their claims to copyright upon complying with the requirements of this Act as to registration, deposit of copies, and the inscribing of the notice of copyright, and with such rules and regulations as may be prescribed by the Register of Copyrights, under the provisions of section of this Act.

Registration primâ facie evidence.

80. The registration of a claim of copyright, under the provisions of this Act, shall be *primâ facie* evidence of ownership, subject to proof to the contrary.

Registration under false declaration void and subject to damages.

81. If any person, under the provisions of this Act, shall procure the registration of a copyright, or entry thereof in the Copyright Office, by any false or fraudulent declarations or representations, oral or in writing, or by any false means whatsoever, he shall be liable to pay to the party injured any damages sustained in consequence thereof; and the Register of Copyrights, when notified by the filing of a certified copy of the final judgment rendered, shall cancel such registration, and mark the record thereof "void and of no effect," in accordance with such decision of the court.

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VII. Formalities—cont'd.

No action maintainable until formalities have been complied with.

82. No person shall maintain an action for the infringement of his copyright, unless he has fully complied with all the provisions of this Act in relation to the deposit of the title, description, or copies; nor unless he shall also give notice of his claim of copyright by inserting in or inscribing on the copies of each article the respective notice or notices prescribed by this Act.

Failure to comply with formalities.

83. If, by reason of any error or omission (not due to the negligence of the author himself), the prescribed formalities as to deposit of title, description, photograph, or copies, as the case may be, have not been complied with within the time specified in this Act, or if failure to make registration has occurred by the error or omission of an administrative officer, it shall be permissible for the author or proprietor to make the required deposit and secure the necessary registration at any time within a period of three years after completion, exhibition, or publication of the article, as the case may be. *Provided, however,* That if the proprietor in the case of any article which bears a notice of copyright, or which otherwise claims to be protected by copyright, shall neglect to deliver at the Copyright Office either the title, description, photograph, or copy of the work as required by this Act, the Register of Copyrights may make demand thereof in writing at any time subsequent to the date when such deposit should have been made in accordance with the provisions of this Act; and, after the said demand shall have been made, in default of the delivery respectively of the title, description, photograph, or copies of the work as required by this Act, within one month from any part of the United States, or within six months from any dependency of the United States, the proprietor of the copyright shall be liable to a penalty of one hundred dollars.

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VII. Formalities—cont'd.

Copyright not forfeited by omission of statutory formality.

84. The copyright shall not be forfeited by such failure to deposit and register; but in any action for infringement or piracy in respect to offences committed, or unauthorized copies printed, before the formalities prescribed by this Act have been fully complied with, no damages shall be recovered, except on proof that the defendant was duly notified of the infringement, and continued the same after such notice.

False notice of copyright.

85. Every person who shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any book or other article claiming copyright, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or shall knowingly import any book or other article bearing such notice of copyright, or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of one hundred dollars; and the importation into the United States of any book or other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issue, publication, or sale of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation.

Notification of the death of the author.

86. In the case of all copyright works in which the term of protection extends for fifty years beyond the date of the death of the author, there shall be filed in the Copyright Office for record, not later than thirty days after the issue of letters testamentary or let-

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VII. Formalities—cont'd.

Notification of the death of the author—cont'd.

ters of administration of his estate, or within ninety days after the day on which the author died, a statement including the full name of the author, the true date of his death, and the titles of his works upon which copyright is claimed, together with the full name of the person claiming copyright either as the "legal representative," "assignee," "administrator," or "executor" of the deceased author.

PRESCRIBED FORMALITIES.

87. In the case of every article upon which copyright in the United States is claimed under the provisions of this Act, it shall be obligatory:—

Deposit for copyright registration.

(a) To deposit in the Copyright Office at Washington, D. C., either two copies of the authorized edition of each such article, or, in the case of an original work of the fine arts, or of a plastic work, a photograph of the same or some other exact reproduction of it such as shall fully identify the original, together with a title and description of such original work of the fine arts, or of such plastic work.

Notice of copyright.

(b) To inscribe upon each copy of every article a notice of copyright in the United States in one or the other following forms:—

(1) "United States Copyright, by ,"

or

(2) "U. S. Cop., by ,"

the notice stating, in either case, the name of the claimant of copyright as registered in the Copyright Office under the provisions of this Act. *Provided,* That such required deposit and prescribed notice shall be subject to such special requirements and exceptions as may be provided by this Act in the case of each class of articles registered for copyright.

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VII. Formalities—cont'd.

COPYRIGHT FEES.

The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees:—

Registration fees.

88. (a) For recording the title or description of any article subject to copyright and deposited under the provisions of this Act, one dollar, which sum is to include a certificate, under seal, of the registration actually made. (b) In the case of books published in more than one volume, as many consecutive volumes as shall be received at one and the same time may be included in one registration under one entry number and charged for at one fee; but separate volumes received at different times shall be charged for at the rate of one fee (one dollar) each. (c) Copies of subsequent editions of books previously registered shall be receipted for and their receipt noted upon the record of original entry without charge, unless separate copyright is claimed upon new matter. For new editions of books not previously registered there shall be required the payment of a fee of one dollar, which shall entitle the registrant to a certificate, under seal, of the registration made.

Fees: Certificate of registration: Assignments.

89. (a) For every special certificate, under seal, signed by the Register of Copyrights, of the receipt of copies deposited and registered, as required by this Act, fifty cents. (b) For recording and certifying any instrument of writing for the assignment of copyright, if not over 300 words in length, one dollar; if more than 300 and less than 1,000 words in length, two dollars; if more than 1,000 words in length, one dollar for each 1,000 words and fraction thereof over 300 words. (c) For every copy of an assignment recorded, duly certified, if not over 300 words in length, one dollar; if more than 300 and less than 1,000 words in length, two dollars; if more than 1,000 words in length, one dollar for each 1,000

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VII. Formalities—cont'd.

Fees: Certificate of registration: Assignments—cont'd.

words and fraction thereof over 300 words. (d) For comparing any copy of an assignment with the record of such document in the Copyright Office and attaching certificate, under seal, of the correctness of such copy, one dollar.

Record of transfer of proprietorship.

90. For recording the transfer of the proprietorship of copyright articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment.

Fees for making searches.

91. For any search of Copyright Office records, indexes, or deposits, made in the Copyright Office by request, fifty cents for each full hour of time consumed by a competent clerk of the Copyright Office in making such search.

Fees for permitting inspection and copying of records, etc.

92. For the inspection of the Copyright Office record books, indexes to such records, applications for copyright registration, or any article deposited, including, if desired, the copying of any entry actually made in any such record book, ten cents in the case of each book or other article deposited: *Provided,* That if such inspection or copying, or both, is made by any person party to a copyright suit already begun, or by the counsel or any other representative of the party to such suit, it shall be free and without the payment of any fee; and *Provided, further,* That if the request for the inspection and use of any such book or other deposited article is made in the reading-room of the Library of Congress, or in any division of the Library to which the said article would naturally pertain, no charge shall be made for the inspection and use there of the said article; and a request for the loan of such article to the reading-room or other division of the Library by the Copyright Office shall be complied with, under such regulations as shall be prescribed by the Librarian of Congress upon the recommendation of the Register of Copyrights.

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MEMORANDUM DRAFT.

VIII. Special Provisions.

CLASS 1.—*Original Works of the Fine Arts.*

Prescribed formalities.

93. In the case of an original work of the fine arts, including any work enumerated in section of this Act, it shall be obligatory:—

(a) To deposit the photograph or other reproduction as required by section of this Act, not later than thirty days after the first authorized exhibition of the work open to the general public.

(b) To inscribe upon such work the notice of copyright prescribed in section of this Act.

Provided, however, That in the case of paintings which bear the name of the artist, or his initials, or his recognized monogram, or other distinctive mark, the copyright notice may, at the option of the copyright proprietor, be placed either upon the painting itself, or upon the back of the canvas, or upon the frame which incloses the painting.

Copyright of work of art to remain in the author.

94. The copyright in an original work of the fine arts and the ownership of the work shall be deemed to be distinct properties for the purpose of ownership, assignment, license, transmission, and all other purposes, and, except as provided for in this Act, the copyright in any artistic work shall remain in the author of the work, whether such work be sold

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VIII. Special Provisions—cont'd.

Copyright of work of art to remain in the author—cont'd.

or disposed of by such author or not, unless the copyright therein be expressly assigned or disposed of in writing by him, or pass by operation of law or testamentary disposition.

Alteration of a work of art without the artist's consent.

95. When the author of any original work of the fine arts, in which copyright subsists under the copyright laws of the United States, or by virtue of this Act, shall have sold or otherwise parted with the possession of such work, no material alteration may afterwards be made in such work by addition of color, or otherwise, except with the artist's consent in writing.

Selling an altered copy of a work of art.

96. Neither shall it be lawful, during the continuance of the copyright, without the consent in writing of the artist, to sell, exhibit, let for hire, or offer for sale, exhibition, or hire such work or any copy thereof, so altered as aforesaid, as being the original work or copy of the original work of such artist.

Penalty for unauthorized alteration of a work of the fine arts.

97. Any person who shall knowingly commit or cause to be committed any infringement of the provisions of sections of this Act, shall be liable to the author or proprietor for all damages occasioned thereby.

Sale of a work of art. Replicas.

98. If an artist shall have sold his original work of art without assigning the copyright therein, no person, without the consent in writing of the owner of the original work, shall make a replica thereof; and if, before selling the original work, the artist himself shall have made a replica of it and shall afterwards sell either the original or the replica, he shall not be entitled to sell, exhibit, or part with the other without the written consent of the owner of the original work or of the replica. *Provided, however,* That in the case of

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VIII. Special Provisions—cont'd.

Sale of a work of art. Replicas—cont'd.

any bust, statue, or other like sculpture, whether made on commission or otherwise, if such work is intended to be placed in a street, public building, or other public place, the artist thereof may make replicas of such work, in the absence of any agreement in writing to the contrary.

An artist's sketches, studies, models, or casts.

99. The sketches, studies, models, or casts used by an artist in executing an original work of the fine arts, may be used and dealt with by him, notwithstanding that he has sold his original work, in the absence of any agreement in writing to the contrary, without infringing the copyright of such work of art, provided he does not thereby repeat the main design of the original work.

The copyright in a portrait shall belong to the person authorising it.

100. If a person employs another for valuable consideration to make a portrait, that is to say a work whose principal object is the likeness of any person in any form of art, the copyright in such portrait shall belong to the employer as if he were the author, in the absence of any agreement in writing to the contrary.

CLASS 2.—*Artistic Reproductions.*

101. In the case of an artistic reproduction, including any article belonging to the class of works enumerated in section of this Act, it shall be obligatory:—

Deposit of copy for copyright registration.

(a) To deposit, as required by section of this Act, not later than thirty days after the completion of the first authorized production of the work, one perfect copy of the best edition first published; and one copy of each subsequent reproduction which shall vary in any manner from the copies of the edition first produced.

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VIII. Special Provisions—cont'd.

Notice of copyright.

(b) To inscribe upon some visible portion of each copy produced, or upon the substance on which it shall be mounted or to which it shall otherwise be attached, the notice of copyright prescribed in section of this Act.

CLASS 3.—*Molded Decorative Articles.*

102. In the case of a molded decorative article, including any article enumerated in section of this Act, it shall be obligatory:—

Deposit for registration.

(a) To deposit, as required by section of this Act, not later than thirty days after the completion of the article, a photograph or other reproduction.

Notice of copyright.

(b) To inscribe upon the base or upon the back or bottom of such article the notice of copyright prescribed in section of this Act.

CLASS 4.—*Literary Productions.*

Deposit of copy for registration.

103. In the case of any book, including an encyclopædia, a composite, collective, or collaborative work, together with any abridgment, compilation, or translation, or any novel based upon a drama, and any contribution to a periodical, it shall be obligatory to deposit, as required by section of this Act, two complete copies, including all maps and other illustrations, of the best authorized edition first produced, and one copy of each subsequent authorized edition produced in an altered form, or containing additions or alterations, not later than thirty days after the printing of the work.

104. In the case of a contribution to any periodical the deposit shall be made of two copies of the issue or issues of the newspaper

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VIII. Special Provisions—cont'd.

Deposit of copy for registration—cont'd.

or magazine containing such contribution, not later than ten days after the date of the issue.

Copies deposited to be type-set in the United States.

105. Of a printed book the copies deposited shall be printed from type set either by hand or by the aid of any kind of type-setting machine within the limits of the United States or any of its dependencies, or from plates made therefrom; and shall be accompanied with an affidavit, under the official seal of any officer authorized to administer oaths within the United States or any of its dependencies, duly made by the person claiming copyright, or by his duly authorized agent or representative residing in the United States or any of its dependencies, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or of any of its dependencies, or from plates made therefrom, as required above, and stating the place within the United States or any of its dependencies in which such type was set or plates were made, and by whom. Any person who shall be guilty of making a false affidavit as to his having complied with the above conditions for the purpose of obtaining a copyright shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.

Provided, however, That the requirement of type-setting within the limits of the United States or its dependencies shall not apply to books in raised type for the use of the blind, nor to such books as are not printed from type, but are produced by means of lithography or by any other method or process of reproduction, nor to books consisting mainly of plates; and *Provided, further,* That of books

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VIII. Special Provisions—cont'd.

Copies deposited to be type-set in the United States—cont'd.

first published in a foreign country deposited to secure the reservation of copyright provided for by the Act of March 3, 1905, and by sections of this Act, such deposited copies of the foreign edition may be printed abroad.

Foreign books: Interim protection.

106. In the case of books first published in a foreign country before the day of publication in this country, an interim copyright protection may be secured upon the deposit in the Copyright Office, Washington, D. C., of one complete copy of the work, including all maps and other illustrations, not later than thirty days after the first publication of the book.

Term of interim protection.

107. The interim term of protection thus secured shall endure respectively as follows:—

(a) In the case of a book printed abroad in a *foreign* language, for a period of twelve calendar months after the first publication of such book in the foreign country;

(b) In the case of a book printed abroad in the *English* language, or in English and one or more foreign languages (such as dictionaries, and anthologies), for a period of three calendar months after the first publication of such book.

Extension of term upon production of United States edition.

108. If an authorized edition is produced from type set within the limits of the United States or its dependencies, or from plates made therefrom,

(1) Of the *English* book within the said period of three months from first publication, or

(2) Of the book in a *foreign* language within the said period of twelve months from first publication; either—

(a) In the original language of the book, or

(b) Translated into English;

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VIII. Special Provisions—cont'd.

Extension of term upon production of United States edition—cont'd.

the copyright protection shall be extended to endure for the full term of the life of the author and for fifty years after his death.

Provided, however, That in either case, if such edition printed from type set within the limits of the United States or one of its dependencies or from plates made therefrom; ~~or any plates of the same not made from type set within the limits of the United States or one of its dependencies~~; is not produced within the respective times stated, the foreign work shall fall into the public domain, so far as copyright in the United States is concerned, in the case of the English book at the end of three calendar months after first publication, and in the case of the book in some language or languages other than English at the end of twelve calendar months after first publication abroad.

Prohibition of importation of authorized copies.

109. During the existence of the copyright in any book, the importation into the United States of any foreign edition or editions thereof authorized by the author or proprietor but not printed from type set within the limits of the United States or any of its dependencies, or from plates made therefrom; or any plates of the same not made from type set within the limits of the United States or any of its dependencies, shall be and is hereby prohibited, except as follows; in which cases of exception importation of copies shall be allowed, subject to such provisions of the United States tariff laws relating to the imposition of customs duties as shall be in force at the time of the importation:— or its dependencies

Exceptions to the prohibition of authorized copies.

(a) In the case of foreign books first published without the limits of the United States or its dependencies, but deposited and registered for copyright protection under the pro-

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VIII. Special Provisions—cont'd.

Exceptions to the prohibition of authorized copies—cont'd.

visions of the Act of March 3, 1905, and of this Act, the importation shall be allowed of all copies of any such foreign book which shall have been produced with the consent of the author or proprietor thereof, during the interim terms of three months and twelve months respectively, or until such time as an edition shall have been produced, within the said periods of three months and twelve months respectively, printed from type set within the limits of the United States or any of its dependencies, or from plates made therefrom.

(b) In the case of a book in a foreign language or languages, of which a translation into English has been printed from type set within the limits of the United States or any of its dependencies, or from plates made therefrom, under the provisions of the Act of March 3, 1905, or of this Act, the prohibition of importation of authorized copies shall apply only to the translation of the same, and the importation shall be permitted of copies of the book in the original language or languages produced with the consent of the author or proprietor thereof.

(c) The importation shall also be permitted as follows of copies of any copyright book printed abroad with the authorization of the author or proprietor:—

(1) Two copies of any such book imported at any one time, when so imported for use and not for sale.

(2) When imported by the authority of the United States, or for the use of the United States, or by and for the use of the Library of Congress.

(3) When specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for educational, philosophical, literary, or religious purposes, or for the en-

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VIII. Special Provisions—cont'd.

Exceptions to the prohibition of authorized copies—cont'd.

couragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, or for any school, college, university or public library.

(4) When such books form part of libraries belonging to persons or families from foreign countries, if actually used abroad by them, and not intended for sale.

(5) All books and pamphlets in raised print for the use of the blind.

Copies imported to be seized and exported.

110. All copies of authorized editions of copyright books imported in violation of the above provisions and the special exceptions enacted to the prohibition of importation contained in section of this Act may be duly exported and returned to the person making the importation, provided it be shown to the satisfaction of the Secretary of the Treasury upon written application that such importation does not involve willful negligence or fraud. If absence of willful negligence or fraud be not established to the satisfaction of the Secretary of the Treasury, the importation shall be proceeded against as in the case of fraudulent (unauthorized) copies in the manner prescribed by sections of this Act.

Notice of copyright.

111. Books, periodical contributions, and other printed or otherwise published literary works shall have inscribed upon the title, or the page following the title, or at the bottom of either the first or the last page of the text, the copyright notice provided in section of this Act. *Provided,* That no copyright notice shall be required to be printed on any copies of the foreign edition of any book deposited and registered under the provisions of this Act to secure the interim protection of three and twelve months respectively.

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VIII. Special Provisions—cont'd.

Right of translation and dramatization.

112. The author's exclusive right to translate or to dramatize any of his works in which copyright is subsisting under the provisions of the Copyright laws of the United States, or of this Act, shall be subject to the following limitations:—

Ten-year limit.

(a) At the expiration of ten years from the day on which the copy of the author's original work was deposited in the Copyright Office, as provided for by this Act, this exclusive right of translation and of dramatization shall exist and be effective only in the case of any translation or translations, or any dramatization or dramatizations, which may have been produced by consent of the author or his assigns.

Translation into some special language.

(b) If within the said period of ten years no translation of the work into some one particular language has been made by or been authorized to be made by the author of the original work, or his assigns, any person desirous of publishing a translation of said work into that language may file with the Register of Copyrights an application in writing for permission so to do; and the Register of Copyrights shall thereupon inform the author, or his assigns, of such application; and the author or his assigns may file in writing with the Register of Copyrights a declaration that a translation of the said book into the said language has been or will be made, or has been authorized to be made by the author, or his assigns; whereupon the exclusive right of translation shall be revived and continued in favor of the author, or his assigns, for a period of two years from the date of the notification by the Register of Copyrights.

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VIII. Special Provisions—cont'd.

Failure to file notice or to publish translation.

Provided, however, That if the author or his assigns fail to file such declaration with the Register of Copyrights within sixty days after the date of the notification by the Register of Copyrights, as provided for above, or, having filed such declaration, fail to deposit a printed copy of such translation within two years from the date of the notice given by the Register of Copyrights, it shall then be the privilege of the author of the proposed translation to publish and copyright the same; such copyright, however, not to imply the sole right of translating the said work or to prevent the publication of another translation, made either by the author of the original work or by any other person.

Right of dramatization.

(c) If within the said period of ten years no dramatization of the work shall have been made or authorized to be made, by the author of the original work, or his assigns, any person desirous of producing a version of the work in dramatic form may file with the Register of Copyrights an application in writing for permission so to do; and the Register of Copyrights shall thereupon inform the author, or his assigns, of such application, and the author or his assigns may file in writing with the Register of Copyrights a declaration that a dramatization of the said book has been or will be made, or has been authorized to be made, by the author or his assigns; whereupon the exclusive right to dramatize the work shall be revived and continued in favor of the author or his assigns for a period of two years from the date of the notification by the Register of Copyrights.

Failure to file notice or to publish dramatization.

Provided, however, That if the author or his assigns fail to file such declaration with the Register of Copyrights within sixty days after the date of the notification by the Register of Copyrights, as provided for above; or,

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VIII. Special Provisions—cont'd.

Failure to file notice or to publish dramatization—cont'd.

having filed such declaration, fail to produce such dramatization within two years from the date of the notice given by the Register of Copyrights, it shall then be the privilege of the author of the proposed dramatization to produce and copyright the same; such copyright, however, not to imply any sole right to dramatize the said work, nor to prevent the production of another dramatization made either by the author of the original work or by any other person.

Abridgment or translation by other than author.

113. In any case where an author has assigned the copyright in his work, including the right to abridge, translate, dramatize, or otherwise reproduce his work in some new form, and an abridgment, translation, dramatization, or other reproduction in some new form is made and published by some person other than the author, under authorization of the assignee or copyright proprietor, the title-page shall bear the true name of the author of the abridgment, translation, dramatization, or other form of reproduction; or notice shall be given in some conspicuous place within the book that such abridgment, translation, dramatization, or other reproduction is not the work of the author of the original book.

Registration of composite or collective work sufficient.

114. In the case of a *composite* or *collective* work, the deposit of two copies for registration of copyright and the printing of a notice of copyright, as provided by this Act, shall be deemed a full and complete compliance with the statutory formalities required to secure copyright in the work of each contributing author; but if, upon the expiration of the five-year term provided for by section of this Act, any one contributing author shall desire to reprint his work, either separately or as part of some other work, he may deposit his work for registration, and publish it with a new notice of copyright.

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VIII. Special Provisions—cont'd.

New edition of a literary production.

115. The alterations, revisions, and additions made to the text of books heretofore published shall be deemed and held the subect matter of copyright, and any second or subsequent edition of a book containing such alterations or additions shall be held to be a new book, subject to registration for copyright, under the provisions of this Act; *Provided, however,* That such registration shall not prejudice the right of any person to reproduce the text of any previous edition, or part thereof, after the expiration of the copyright in such former edition.

Periodical contributions.

116. The author of any article contributed to and first published in a periodical shall be entitled to copyright in the article as a separate work; but, unless otherwise provided by contract in writing,—

(a) He shall not be entitled to make or authorize any separate publication of the article, until after the end of three years from the date of the issue of the periodical containing it; and if his work is published in several installments, until after the end of three years from the date of the issue of the periodical containing the last part or installment of the article; and

(b) The author's right to make or authorize separate publication at the end of three years from first publication in the periodical, shall not abridge or otherwise affect the rights of the proprietor or publisher of the periodical, as provided by this Act.

117. The requirements of this Act as to deposit of copies for the purpose of registration, and the printing of copyright notice, shall be deemed to be fully complied with, in the case of all periodical contributions, upon the deposit of the copy of the issue of the periodical containing the contribution, and the printing upon such issue of the periodical of one copy-

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VIII. Special Provisions—cont'd.

Periodical contributions—cont'd.

right notice in the form prescribed in section of this Act; *Provided, however,* That the author of any periodical contributions may, at his option, deposit his contribution for the purpose of registering his claim of copyright, and print the statutory notice of copyright under the title of his article.

Newspapers and periodicals.

118. In the case of newspapers, magazines and other periodicals issued serially in at least four numbers each year, it shall be deemed a sufficient compliance with the requirements of this Act:—

(a) If the title-page of each volume is filed for copyright registration within ten days after the date of the issue, or after the day of publication.

(b) If two copies of each issue are deposited not later than ten days after the date of the issue, or after the day of publication.

(c) If the notice of copyright prescribed by section of this Act is printed on the volume title-page and on the first page of text of each separate issue under the title heading.

Copyright of newspapers and periodicals.

119. The copyright secured, under the provisions of this Act, by the publisher or proprietor of any periodical or newspaper containing original contributions by authors competent to secure valid copyright by virtue of the provisions of this Act, shall be subject to the following limitations:—

(a) The copyright in the periodical shall not entitle the proprietor thereof, unless provided for by written contract, to publish or authorize the publication of the contributed article, except in the pages of the periodical.

(b) At the expiration of three years from the date of the issue of the periodical containing such contribution,—or, if the latter be

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VIII. Special Provisions—cont'd.

Copyright of newspapers and periodicals—cont'd.

published in several parts or installments, at the end of three years from the date of the issue of the periodical containing the last part or installment of the article,—the author shall have the right to republish or authorize the republication of his article in separate form, unless otherwise provided for by written contract.

Importation of foreign newspapers or magazines.

120. The prohibition of importation of literary productions not printed from type set within the limits of the United States, contained in section of this Act, shall not apply to any foreign newspaper and magazine which contains any copyright matter printed or reprinted therein in whole or in part by the authorization of the author or copyright proprietor; but any foreign newspaper or magazine which contains any copyright matter printed or reprinted without the authorization of the author or copyright proprietor shall be prohibited importation, and such copies so imported shall be proceeded against and disposed of in the manner prescribed by sections of this Act.

Oral lectures or addresses.

121. In the case of a lecture or other similar production prepared for public delivery, its title shall be filed for record in the Copyright Office within thirty days after having been first delivered in public.

CLASS 5. *Dramatic Compositions.*

Deposit of copies.

122. In the case of any dramatic composition, two complete printed copies, produced by authority of the author or copyright proprietor, shall be deposited within thirty days after printing or after first authorized representation, whichever shall be earliest; and if the said dramatic composition is not printed, then

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VIII. Special Provisions—cont'd.

Deposit of copies—cont'd.

one complete manuscript copy with full title, within thirty days after first authorized representation. The title of the drama, in either case, shall be recorded, together with the date of the receipt of the copy, and to the said manuscript copy a sealed certificate shall be attached stating the fact of the receipt and registration, and the copy thereupon shall be returned by mail to the copyright claimant. If such dramatic composition is subsequently printed by authority of the author or copyright proprietor, two complete copies shall be deposited within thirty days after printing.

Notice of copyright.

123. All printed or otherwise produced copies of dramatic compositions shall have inscribed upon the title-page or the first page of the text the notice of copyright prescribed in section of this Act.

CLASS 6. *Musical Works.*

124. In the case of any musical work it shall be obligatory:—

Deposit of copy for registration.

(a) To deposit two copies of the best edition first printed or otherwise produced by authority of the author or copyright proprietor, within thirty days after such first printing or other production, and one copy of any subsequent edition, and one copy of any authorized rearrangement, transposition, or variation, within thirty days after the printing of the same.

Notice of copyright.

(b) To inscribe upon the title-page, or upon the first page of the text of each copy, the copyright notice prescribed in section of this Act.

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VIII. Special Provisions—cont'd.

CLASS 6.—*Musical Compositions.*

Copyright of a musical work.

125. The copyright secured by this Act shall cover and protect the words and music of any song, opera, operetta, oratorio, mass, choral work and cantata, as well as each separate number or part thereof issued in separate form, together with all subsequent translation, adaptation, transcription, arrangement or setting of the original work in any mode of notation, system of signs, figures or devices, or any form of reproduction whatsoever; and the music and words of a mixed composition may be jointly protected under one copyright or may be separately copyrighted.

Publication or public performance, etc., of music.

126. (a) The publication of a musical composition which has not been registered for copyright, with or without authority, shall not deprive the author of such composition or his assigns of the exclusive right to publicly represent or perform any such musical composition.

(b) The public representation or performance of an unpublished musical composition or its circulation for private use, shall not be deemed to deprive the author or his assigns of the exclusive right to publicly represent or perform the same, nor to deprive the author or his assigns of the right to prevent any other person from publishing the same without consent, nor of the right to register it for copyright protection.

Musical composition the joint work of several authors.

127. Where a musical composition is the joint work of two or more persons, or consists of literary parts and musical parts contributed by different persons pursuant to a general plan, the copyright in such work shall, in the

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VIII. Special Provisions—cont'd.

Musical composition the joint work of several authors—cont'd.

absence of any agreement to the contrary, belong to the persons by whom the same is written or composed in common, and no one of such persons shall be deemed to be the owner of the copyright in any particular part of the work to the exclusion of the other or others. In the event of the death of any one of such owners in common, his interest shall, in the absence of any testamentary or other disposition to the contrary, vest in the person who would be entitled to the copyright in any work of which he has been the sole writer or composer.

CLASS 7.—*Geographical Productions.*

128. In the case of geographical works it shall be obligatory:—

Maps and other cartographical works.

(a) To deposit, as required by section of this Act, two perfect copies of the best edition first produced by the authority of the copyright proprietor of any map or other printed or engraved cartographical work, and one perfect copy of each subsequent reproduction which shall vary in any manner from the copies previously deposited, in each case, within thirty days after the production of the work.

Relief maps, globes, etc.

(b) To deposit a photograph of a relief map, or globe, or any other plastic work relating to geography, together with a title and brief description stating scale and size, within thirty days after the authorized making of the article.

Notice of copyright.

(c) To inscribe on some visible portion of each copy of the map, relief map or globe, or other article, or in the case of a plastic work, upon the base or pedestal, the notice prescribed in section of this Act.

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VIII. Special Provisions—cont'd.

CLASS 8.—*Photographs.*

129. In the case of photographs it shall be obligatory:—

Deposit of copies for registration.

(a) To deposit two perfect copies of a permanent photographic print, bearing a distinguishing title, within thirty days after the authorized making of the photograph, and in case of several negatives showing variances in pose or composition of subject, an additional copy in each case of substantial change or variation.

Notice of copyright.

(b) To inscribe upon each copy of the photograph or upon the substance on which it shall be mounted, the notice prescribed by section of this Act.

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MEMORANDUM DRAFT.

IX. Miscellaneous Provisions.

Free transmission of Copyright material.

130. It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to copyright business, (including articles required to be deposited in the Copyright Office) whether the same be sent to or from the Copyright Office: *Provided,* That every such letter or package to entitle it to pass free shall bear the words "Copyright Office: Official Business."

For the purpose of carrying this provision into effect, it shall be lawful for the Register of Copyrights to provide and issue suitable penalty envelopes and address labels under which such matter may be mailed either to or from the Copyright Office post free.

Definition of "United States."

131. In the construction of this Act, the words "United States and its dependencies" shall be construed to include and embrace all territory which is now or may hereafter be under the jurisdiction and control of the United States.

Interpretation of draft.

132. In the interpretation and construction of this Act, words importing the singular number shall be held to include the plural, and *vice versa,* except where such construction would be unreasonable, and words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable.

X. Definitions.

The definitions are left for further consideration.

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MEMORANDUM DRAFT.

XI. Repealing clause.

Repeal of Copyright Acts.

133. The acts and parts of acts set forth in the schedule of acts cited, hereto annexed, are hereby repealed, without reviving any acts or parts of acts repealed by any of said acts, or by any clause or provisions therein: *Provided, however,* That neither the repeal hereby enacted, nor anything in this Act, shall be construed to annul, abridge, prejudice, or otherwise unfavorably affect, impair, or take away any right or interests existing or secured under any of the said laws, or othewise subsisting when this Act shall go into operation; but all actions and causes of action, both in law and equity, which have arisen under any of the said laws, may be commenced and prosecuted, and if already commenced, may be prosecuted to final judgment and execution in the same manner as though this Act had not been passed, excepting that the remedial provisions of this Act shall be applicable to all suits and proceedings hereafter commenced: *And provided, further,* That all offenses which are defined and punishable under any of said acts, and all penalties and forfeitures created thereby, and incurred before this Act takes effect, may be prosecuted, sued for, and recovered, and such offenses punished according to the provisions of the said acts, which are continued in force for such purpose.

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